

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

April 1, 2002

12:15 p.m.

The Council of the City of Roanoke met in regular session on Monday, April 1, 2002, at 12:15 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members William White, Sr., W. Alvin Hudson, Jr., Linda F. Wyatt, William D. Bestpitch, William H. Carder and Mayor Ralph K. Smith-----6.

ABSENT: Council Member C. Nelson Harris-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Carder moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Hudson, Wyatt, White, Carder, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

PURCHASE/SALE OF PROPERTY-CITY MANAGER-CITY COUNCIL: A communication from the City Manager requesting a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Hudson moved that Council concur in the request of the City Manager to convene in a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, Wyatt, White, Carder, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

CITY MANAGER-CITY COUNCIL: A communication from the City Manager requesting that Council convene a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Carder moved that Council concur in the request of the City Manager to convene in a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Hudson, Wyatt, White, Carder, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

CITY ATTORNEY-CITY COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a matter of probable litigation, pursuant to Section 2.2-3711 (A)(7), Code of Virginia (1950), as amended, was before the body.

Mr. Carder moved that Council concur in the request of the City Attorney to convene in a Closed Meeting to consult with legal counsel on a matter of probable litigation, pursuant to Section 2.2-3711 (A)(7), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Hudson, Wyatt, Bestpitch, Carder and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

At 12:17 p.m., the Mayor declared the meeting in recess to be immediately reconvened in Room 159, Noel C. Taylor Municipal Building South.

At 12:25 p.m., the Council meeting reconvened in Room 159, Emergency Operations Center Conference Room, for discussion regarding the roles and responsibilities of Council-Appointed and certain Constitutional Officers.

CITY CHARTER-CITY MANAGER-DIRECTOR OF FINANCE-CITY ATTORNEY-CITY CLERK-MUNICIPAL AUDITOR-REAL ESTATE VALUATION-CITY TREASURER-COMMISSIONER OF REVENUE: The City Manager called attention to a previous discussion by Council regarding City Charter amendments at its November 19, 2001 Council meeting, in connection with reporting responsibilities of the Director of Finance, at which time it was suggested that the matter be referred to the Council's Financial Planning Session for further discussion, along with discussion regarding the roles and responsibilities of other Council-Appointed Officers. At that time, she advised that City staff was requested to conduct a survey of other cities in the Commonwealth of Virginia in regard to reporting responsibilities of Council-Appointed positions, budgets, and Offices of Management and Budget. As City staff was preparing for the Financial Planning Session in March, 2002, she noted that a memorandum was sent to Council suggesting that the topic did not fall into the category of items typically discussed at a Financial Planning Session, and Council was requested to defer discussion until another date; therefore, the matter was currently before Council for discussion.

The City Manager explained that a request was made that the two Constitutional Offices having financial-related responsibilities, the City Treasurer and the Commissioner of the Revenue, also be included in the study in regard to financial reporting; and appropriate Constitutional Office's and each Council-Appointed Officer were requested to provide information regarding their respective duties and responsibilities, along with a departmental organization chart. She stated that no specific action is requested of the Council today; however, discussion will provide Council with an opportunity to ask questions and to gain a better understanding of the various roles and responsibilities of Council-Appointed and certain Constitutional Officers.

Mr. White advised that the majority of Council is not interested in changing the reporting relationships or responsibilities of Council-Appointed Officers at this time. From his discussions with the majority of Council Members, he stated that it is believed that such discussions are more of a detraction to transacting City business and proposed, after today, that there be no further discussion of the matter until there is a majority of Council that is in favor of enacting changes. He added that if Council Members would like more information on duties and responsibilities of Constitutional Officers, they may confer directly with the appropriate Constitutional Officer.

Mr. Hudson advised that he did not understand how Constitutional Offices were brought into the discussion, since Constitutional Officers are elected by the citizens of the City of Roanoke.

The Mayor advised that the session could be used as a learning experience in order for Council to ask questions and to gain a better understanding of the roles and responsibilities of Council-Appointed Officers and Constitutional Officers, and he would like to call upon the Council-Appointed Officers and Constitutional Officers in attendance for remarks.

Vice-Mayor Carder advised that he initially brought the matter forth for discussion on behalf of himself and certain members of the business community because of the appearance of redundancy in financial reporting and to achieve the necessary efficiencies in conducting City business. However, he stated that if the majority of Council is not in favor of enacting changes, the matter could be addressed by a future Council.

The Mayor called upon the City Attorney for remarks; whereupon, Mr. Hackworth advised that the roles and responsibilities of the City Attorney's Office are clearly defined by the Roanoke City Code and the City Charter. He stated that a challenge of the City Attorney's Office is in regard to representing the different clients – School Board, City Manager, School Superintendent, Municipal Auditor, etc.; another major challenge is the specialized nature of legal matters and it is difficult to be an expert in all areas of law, therefore, it is sometimes necessary to seek outside legal counsel in specialized areas. He referred to the different financial responsibilities of the Director of Finance, the City Treasurer and the Commissioner of the Revenue, although the responsibilities appear to be divided properly; and noted that some localities have held referendas affording citizens the opportunity to vote on the question of retaining or abolishing Constitutional Offices, many of which have not been successful. He stated that the current financial reporting arrangement appears to work, and there are not a lot of turf issues; however, from a public perspective, the current arrangement could be confusing.

The City Treasurer advised that the system of checks and balances currently in place is healthy for a number of reasons because without such checks and balances, the City could set itself up for potential problems. He called attention to an excellent working relationship between the City Treasurer's Office, the Municipal Auditor and the Director of Finance; however, the City of Roanoke, as an organization, needs to improve technology thereby enabling those offices with financial reporting responsibilities to better communicate with each other. He advised that the real estate computer program, which is over 20 years old, is in need of improvements and should provide a way to enable the Office of City Treasurer, Commissioner of the Revenue, and Director of Real Estate Valuation to communicate with each other on the same property. He stated that staff of the three offices should work more closely with each other and there is a turf problem to a certain degree.

There was discussion in regard to a centralized billing/collection system for all real estate taxes, personal property taxes, vehicle decals, and water/sewer utilities, etc.; and the feasibility of monthly billing for water/sewer utilities and real estate taxes.

The City Manager called attention to major technology needs of the City of Roanoke, not only in the area of real estate, but the overall financial and payroll systems, and the need for enhancements to the City's computer main frame and capabilities. She stated that a number of efficiencies are needed which will involve a major expenditure by the City.

A suggestion was made that Council-Appointed Officers/Constitutional Officers be invited to submit recommendations for improving efficiencies in their respective departments, while continuing to maintain their individual turfs.

The Mayor suggested that cost estimates and demonstrations be provided to Council during fiscal year 2002-03 budget study with regard to technology enhancements to the real estate tax computer program.

The Director of Real Estate Valuation advised that the City's real property evaluation/tax system is fragmented, and the Office of Real Estate Valuation recently purchased a new real estate appraisal system which will be housed in the Commissioner of Revenue's Office since the two offices share numerous processes and in order to create a common data base. He stated that it is important that the offices work together and to use technology for greater efficiencies in operation and cooperation. He added that his office works well with the Offices of Commissioner of the Revenue and City Treasurer; however, current processes are cumbersome and hinder the transaction of business.

There was further discussion as to whether the City has the capability of researching the status of all bills owed to the City by a citizen via one computer application as opposed to researching multiple locations, thereby offering a method to interface systems.

The City Clerk advised that the Department of Technology has done an outstanding job in working with the City Clerk's Office with regard to implementing new computer programs that were recently initiated in the Clerk's Office.

The Municipal Auditor called attention to improvements in technology; however, it will take time for the City of Roanoke to come on line. He stated that all Council-Appointed and Constitutional Officers are conscious of doing the best job possible for the citizens of Roanoke.

The Mayor spoke in support of future meetings of Council-Appointed and Constitutional Officers to engage in dialogue on City government efficiencies. Without objection by Council, he advised that he would like to initiate future meetings involving Council-Appointed Officers and all Constitutional Officers to discuss their ideas for efficiencies.

There being no further discussion, the Mayor declared the meeting in recess at 1:40 p.m., to be reconvened at 2:00 p.m., in the City Council Chamber. He advised that Council would immediately convene in Closed Session in the City Council's Conference Room.

At 2:00 p.m., the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members William White, Sr., W. Alvin Hudson, Jr., Linda F. Wyatt, William D. Bestpitch, William H. Carder and Mayor Ralph K. Smith-----6.

ABSENT: Council Member C. Nelson Harris-----1.

The reconvened meeting was opened with a prayer by The Reverend Jeffrey Doremus, Minister of Leadership and Family Life, First Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

PROCLAMATIONS: The Mayor presented a proclamation declaring Saturday, April 6, 2002, as Tartan Day; and the month of April 2002 as Scottish American History and Heritage Month.

PROCLAMATIONS-COMMUNITY PLANNING: The Mayor presented a proclamation declaring April 1 - 7, 2002, as Community Development Week.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the regular meetings of Council held on Tuesday, February 19, 2002, and Monday, March 4, 2002, were before the body.

Mr. Hudson moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Hudson, Wyatt, Bestpitch, Carder and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

STREETS AND ALLEYS: A communication from the City Manager advising that Section 30-14, Code of the City of Roanoke (1979), as amended, provides that streets and alleys in the City of Roanoke may be altered or vacated on motion of Council, or on application of any person, in accordance with Section 15.1-364, Code of Virginia (1950), as amended; whereupon, she requested that she be authorized to file an application with the City Clerk to vacate, discontinue and close a portion of Mason Mill Road, N. E., was before the body.

Mr. Hudson moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Hudson, Wyatt, Bestpitch, Carder and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

COMMITTEES-AUDIT COMMITTEE: Minutes of the meeting of the Audit Committee held on Monday, March 4, 2002, were before Council.

The following matters were discussed by the Audit Committee:

- Sheriff Canteen and Jail Inmate Funds
- APA Clerk of Circuit Court
- Performance Audits pertaining to Fire/EMS, Alright
- Parking, Solid Waste Management
- Critical Data Applications, City Leases and Planning and Zoning
- Special Investigation regarding payroll
- Update on the Audit Department’s Website

Mr. Hudson moved that the minutes of the Audit Committee be received and filed. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Hudson, Wyatt, Bestpitch, Carder and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

COMMITTEES-LIBRARIES: A report of qualification of Stanley G. Breakell as a member of the Roanoke Public Library Board for a term ending June 30, 2002, was before Council.

Mr. Hudson moved that the report of qualification be received and filed. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Hudson, Wyatt, Bestpitch, Carder and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

REGULAR AGENDA

SCHOOLS: On June 30, 2002, the terms of office of Charles W. Day and Brian J. Wishneff as Trustees of the Roanoke City School Board will expire; and the following persons applied for the vacancies prior to the deadline on Friday, March 8, 2002:

**James P. Beatty
Robert H. Bird
Carl D. Cooper
Edward Garner
William H. Lindsey
William E. Skeen
Robert J. Sparrow**

Pursuant to Chapter 9, Education, Section 9-20, Selection of Candidates for Public Interview, Code of the City of Roanoke (1979), as amended, on or before April 20 of each year, Council must select those persons to be accorded the public interview for the position of Roanoke City School Board Trustee; whereupon, the matter was before the body.

The selection process provides that the number of applicants to the afforded the interview shall not exceed three times the number of vacancies on the School Board, should there be so many applicants.

Mr. White moved that the following persons be afforded the public interview on Thursday, April 18, 2002, said interviews to commence at 4:30 p.m., in the City Council Chamber:

**Carl D. Cooper
Edward Garner
William Lindsey
William E. Skeen
Robert J. Sparrow**

The motion was seconded by Mr. Hudson and adopted.

PUBLIC HEARINGS: None.

PETITIONS AND COMMUNICATIONS:

BUDGET-COMMONWEALTH'S ATTORNEY-GRANTS: A communication from the Commonwealth's Attorney advising that the Department of Criminal Justice Services (DCJS) has awarded the City of Roanoke a grant in the amount of \$174,014.00 for the calendar years 2002-2003; the Grant for VIRGINIA EXILE in 2002-2003 will continue to provide the City of Roanoke with additional funding resources to maintain the Commonwealth's emphasis on prosecuting violent gun carriers in the City; and the EXILE Grant relates to State laws enacted in 1999 which set minimum mandatory sentences for convicted felons who possess guns, individuals who possess guns while possessing drugs, and people who bring guns onto school property with the intent to use them, was before Council.

It was further advised that the City of Roanoke would use the funds to target those persons who illegally possess and use firearms and to reduce the number of violent firearms crimes in the City of Roanoke, which goal will be achieved through a unified effort of City, State, and Federal prosecutors and law enforcement agencies; and VIRGINIA EXILE funding will continue at least through 2003, and re-application for funding will be required before December 31, 2003.

It was explained that VIRGINIA EXILE in the City of Roanoke would continue to fund an experienced prosecutor to oversee charges that arise from Virginia EXILE legislation; additionally, funding was approved to hire an Administrative Assistant to assist the EXILE Prosecutor; funding will also be applied to office materials, equipment, and a public awareness campaign; the grant requires a cash match; and in order to implement the VIRGINIA EXILE campaign in the City of Roanoke for fiscal year 2002-2003, the City would need to provide local matching funds in the amount of \$17,401.00 from Account No. 001-300-1210-2041.

The Commonwealth's Attorney recommended that Council adopt a resolution accepting 2002-2003 DCJS funds and authorize the City Manager to execute the requisite Grant Agreement, Funding Approval, and any other forms required by DCJS on behalf of the City in order to accept such funds, said agreement and forms to be approved as to form by the City Attorney; appropriate \$174,014.00 to accounts in the Grant Fund to be established by the Director of Finance and in accordance with State grant requirements and establish a grant fund revenue estimate; and transfer funds in the amount of \$17,401.00 from Office of Communications, Account No. 001-300-1210-2041, to Transfer to Grant Fund, Account No. 001-250-9310-9535.

The City Manager submitted a communication concurring in the recommendation of the Commonwealth's Attorney.

Mr. Hudson offered the following emergency budget ordinance:

(#35782-040102) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General and Grant Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 483.)

Mr. Hudson moved the adoption of Ordinance No. 35782-040102. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Hudson Wyatt, Bestpitch, Carder and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

Mr. Carder offered the following resolution:

(#35783-040102) A RESOLUTION accepting the Virginia EXILE Grant offer made to the City by the Department of Criminal Justice Services and authorizing execution of any required documentation on behalf of the City.

(For full text of Resolution, see Resolution Book No. 65, page 485.)

Mr. Carder moved the adoption of Resolution No. 35783-040102. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Hudson, Wyatt, Bestpitch, Carder and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

BUDGET-FIRST CITIES COALITION: Vice-Mayor Carder advised that the following Virginia cities make up the First Cities Coalition: Charlottesville, Danville, Fredricksburg, Hampton, Hopewell, Lynchburg, Newport News, Norfolk, Petersburg, Portsmouth, Richmond, Roanoke, Staunton and Winchester. He further advised that all of the above referenced cities have similarities in terms of aging infrastructure, inequities in State funding, reimbursement of funds for streets, Standards of Quality, etc., and are landlocked and fiscally stressed. He stated that the priorities of the First Cities Coalition are that the State should provide strong incentives for cities through redevelopment and reinvestment (example: if the same types of incentives that were offered for new development by Roanoke County were available to the City of Roanoke, the City could save millions of dollars in connection with the South Jefferson Redevelopment Plan, therefore, the State should look at the re-use of urban areas as an incentive); the State should re-balance service necessities and funding resources to cities; and the State should develop an urban policy.

The City Manager advised that the City of Roanoke was one of the original charter members of the First Cities Coalition, and several years ago the City was energized over redevelopment issues and the belief that older urban communities were not receiving fair treatment, particularly by the General Assembly regarding how to deal with some of the common problems of urban areas. She stated that the number of cities participating in the First Cities Coalition has increased to 14, with the possibility of adding a 15th city, and it is becoming more obvious that the older urban communities need to pool their resources. She advised that the Policy Committee of the First Cities Coalition which involved elected officials met in January, and supported the following four initiatives: (1) unanimously agreed to

support legislation that involved increased revenues for legislation and transportation, (2) agreed to engage in an active pursuit in educating citizens about where the decisions are being made (i.e. the General Assembly), (3) requested a special session of the General Assembly to look at tax restructuring in terms of service priorities and funding resources, and (4) to review the idea of pursuing all possible remedies and options, including legal remedies.

Vice-Mayor Carder advised that a press conference was held last week by the First Cities Coalition in Richmond, Virginia, to respond to the proposed State budget cuts and the sense of urgency experienced by localities in regard to budget issues.

The City Manager explained that the State budget is facing a \$2.4 billion shortfall, which shortfall was addressed as follows:

Local government cuts - \$ 525M
Higher education cuts - \$ 290M
State agency cuts and tax increase - \$ 890M
One time revenues and transfers - \$ 700M

The Vice-Mayor advised that the State's budget applies to not only the year 2002, but years 2003 and 2004 and there is a strong sense of urgency for the General Assembly to reconvene in September to address funding inequities. He called attention to an organization known as the Northern Virginia Round Table which consists of approximately 100 of the most senior executives of businesses throughout northern Virginia representing technology companies, retail, financial institutions, professional service firms, etc., and at a recent meeting it was stated that the Commonwealth of Virginia cannot meet its responsibilities to provide critical and necessary State services for the overall public good of its citizens, and the Northern Virginia Round Table believes that there is an urgency that something needs to be done.

Taking the cuts to the local level, the City Manager advised that the funding reduction to the City of Roanoke is approximately \$1.3 million in alcoholic beverage/wine tax, House Bill 599 law enforcement funding, funding for Constitutional Officers and a significant reduction in funding of the Juvenile Justice and Office on Youth programs. She added that this \$1.3 million equates to 33 full time positions in the City of Roanoke organization.

Vice-Mayor Carder called attention to State legislation which exempts the Commonwealth of Virginia from law suits by Constitutional Officers in connection with budget cuts; however, that same legislation does not exempt cities from law suits.

The City Manager reviewed local options and strategies: i.e.: increased taxes and/or increased fees, eliminate or modify service delivery, or eliminate positions. She advised that it has been her goal as City Manager, if positions need to be eliminated, to hold harmless those individuals serving in the positions and transfer those employees to other positions within City government. She stated that a new approach to tax structuring as related to localities is needed, along with a revised funding formula.

Until Council receives the proposed fiscal year 2002-03 City budget, Mr. White advised that Council is not in a position to discuss the budget because to do so is placing the City's position and strategy in front of the proposed budget. In addition, he called attention to past State funding difficulties in which the City worked with its delegation to the General Assembly to address funding inequities, and asked that the City not come on so strong that the good relationships of the past are potentially destroyed.

Mr. Bestpitch expressed concern with regard to tax restructuring throughout the entire Commonwealth of Virginia, and advised that the real issue is whether or not the citizens of the Commonwealth are going to demand that the tax system be structured so as to fund the Standards of Quality, to provide funds for public safety, and to deliver the type of services that citizens have come to expect throughout the entire Commonwealth of Virginia. He explained that citizens must be made to understand that if these issues are to be addressed, citizens of the Commonwealth of Virginia and the City of Roanoke must let their voices be heard in Richmond by insisting that a new tax structure be implemented, and the City Manager and the Vice-Mayor are trying to impress upon Council and the citizens of the City of Roanoke that the focus of attention should be on the issue of tax restructuring for the entire state.

In summary, the City Manager referred to these issues that the First Cities Coalition addressed at its meeting on March 28, 2002; i.e.: a new tax structure that provides net new revenue to localities for education, transportation, public safety and other issues; and a new urban policy that does not treat urban communities to a disadvantage as is presently the case because of the level of service that urban communities provide. She explained that these are not quick fixes, but in some instances, have been periodically studied for the last 15 - 20 years, more than enough studies are currently on the table, and legislative action is required.

Ms. Wyatt advised that no citizen wants to pay more taxes; however, the Commonwealth of Virginia ranks about 12th in the United States in per capita income and 46th in overall tax burden; therefore, in order to have the services that citizens want, they must be willing to pay the price. She stated that the reality is that the Commonwealth of Virginia does not have the wherewithal to make up the gap that has continually grown and we, as a community and a state, must come to grips insofar as paying our fair share for the services we want.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: None.

ITEMS RECOMMENDED FOR ACTION:

APPALACHIAN POWER COMPANY-BUDGET-STREET LIGHTS-RNDC: The City Manager submitted a communication advising that Phase II of infrastructure improvements to the Greater Gainsboro Redevelopment Area consists of construction of improvements including water, sanitary sewer, storm drainage, curb and sidewalk, paving, landscaping and associated work within the Greater Gainsboro Redevelopment Area; and pursuant to Council's request, plans were provided to Charles Price, representing the Roanoke Neighborhood Development Corporation (RNDC), on Thursday, March 21, 2002, who provided minor comments which will be addressed by increasing the number of trees and providing additional sidewalk to the contract during construction.

It was further advised that after proper advertisement, four bids were received on Tuesday, January 8, 2002, with Breakell, Inc., submitting the low bid in the amount of \$496,183.93 and a construction time of 120 consecutive calendar days; the City and Appalachian Power Company, d/b/a American Electric Power (AEP), have entered into a Street Lighting Agreement dated July 1, 1995, concerning the provision by AEP to the City of street lights and associated electrical current for the lights; and in accordance with the Street Lighting Agreement and negotiations with AEP, AEP will provide the appropriate street lights and electrical work for Phase II of the Greater Gainsboro Infrastructure Improvements for \$350,000.00.

It was explained that the infrastructure improvement project is being constructed in three phases; the entire project, including estimated costs for Phase III, remain within the adopted capital project budget of \$3,426,282.00; proposed funding from available balances in several capital project accounts is being used to fund AEP improvements which are ineligible for CDBG funds due to wage rate restrictions; funding in the amount of \$895,802.00 is needed for the project; additional funds that exceed the contract amount will be used for lighting and electrical costs, as well as miscellaneous project expenses, including advertising, prints, test services, minor variations in bid quantities and unforeseen project expenses; and funding in the amount of \$895,802.00 is available in CDBG accounts, Greater Gainsboro Infrastructure, Gainsboro Library, Environmental Issues, Precision Technology, Peters Creek Road Street Light, 50/50 Curb, Gutter, Sidewalk, Williamson Road Improvements, and Capital Reserve-Buildings.

The City Manager recommended that Council accept the bid of Breakell, Inc., in the amount of \$496,183.93, with 120 consecutive calendar days of contract time; reject all other bids received by the City; appropriate or transfer funds in the amount of \$148,901.00 to Capital Projects Fund, Account No.008-410-9625, Greater Gainsboro Infrastructure; CDBG funds in the amount of \$535,841.00 have been appropriated to the proper accounts, for a total of \$895,802.00; and authorize the City Manager to execute the necessary documents or agreements in connection with the Street Lighting Agreement dated July 1, 1995, with Appalachian Power Company, in order for AEP to provide appropriate street lights and associated electrical work for Phase II of the Greater Gainsboro Infrastructure Improvements in the amount of \$350,000.00.

Mr. Carder offered the following emergency budget ordinance:

(#35784-040102) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 486.)

Mr. Carder moved the adoption of Ordinance No. 35784-040102. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members White, Hudson, Wyatt, Bestpitch, Carder and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

Ms. Wyatt offered the following emergency ordinance:

(#35785-040102) AN ORDINANCE accepting the bid of Breakell, Inc., for the construction of improvements, including water, sanitary sewer, storm drainage, curb and sidewalk, paving, landscaping and associated work, within the Greater Gainsboro Redevelopment Area in connection with Phase II of the Infrastructure Improvements to the Greater Gainsboro Redevelopment Area Project, upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 488.)

Ms. Wyatt moved the adoption of Ordinance No. 35785-040102. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members White, Hudson, Wyatt, Bestpitch, Carder and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

Ms. Wyatt offered the following emergency ordinance:

(#35786-040102) AN ORDINANCE authorizing the City Manager to execute any necessary documents or agreements in connection with the Street Lighting Agreement between the City and Appalachian Power Company, d/b/a American Electric Power (AEP), dated July 1, 1995, in order for AEP to provide the appropriate street lights and associated electrical work for Phase II of the Infrastructure Improvements to the Greater Gainsboro Redevelopment Area Project; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 489.)

Ms. Wyatt moved the adoption of Ordinance No. 35786-040102. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members White, Hudson, Wyatt, Bestpitch, Carder and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

At 2:50 p.m., the meeting was declared in recess for continuation of a Closed Session which was previously approved by Council.

At 3:20 p.m., the Council meeting reconvened in the City Council Chamber.

STATE HIGHWAYS-STREETS AND ALLEYS: The City Manager submitted a communication advising that Section 33.1 – 41.1, Code of Virginia 1950, as amended, establishes eligibility criteria of localities for receiving funds from the Virginia Department of Transportation (VDOT) for street maintenance; State Code also specifies two functional classifications of roadways (Principal/Minor Arterials and

Collector/Locals) and establishes a base payment rate per lane mile for each classification or roadway; and rates are adjusted annually by VDOT based upon a statewide maintenance index of unit costs for labor, equipment and materials used by VDOT on roads and bridges.

It was further advised that City eligibility for fiscal year 2001-2002 is approximately \$8,773,218.00 in street maintenance payments from VDOT, which funds are used for eligible maintenance expenditures that the City incurs for streets, sidewalks, curb and gutter, traffic signals, bridges, signs and pavement markings; City staff has developed a list of streets to be submitted to VDOT to enable eligibility payment in the next fiscal year; and approval of additions to the street inventory is expected to increase street maintenance payments to the City by approximately \$11,564.00 at current year payment rates.

The City Manager recommended that she be authorized to submit a list of streets to the Virginia Department of Transportation for approval by the Commonwealth Transportation Board to enable State Maintenance Payment eligibility.

Mr. Bestpitch offered the following resolution:

(#35787-040102) A RESOLUTION authorizing the City Manager to submit a street inventory for State maintenance payment eligibility to the Virginia Department of Transportation (VDOT), upon forms prescribed by VDOT for approval by the Commonwealth Transportation Board, in order to ensure the City’s eligibility for State maintenance funds.

(For full text of Resolution, see Resolution Book No. 65, page 490.)

Mr. Bestpitch moved the adoption of Resolution No. 35787-040102. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Hudson, Wyatt, Bestpitch, Carder and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

BUDGET-DRUGS/SUBSTANCE ABUSE-FDETC: The City Manager submitted a communication advising that the Fifth District Employment and Training Consortium (FDETC) administers the Federally funded Workforce Investment Act (WIA) for the region, which encompasses the Counties of Alleghany, Botetourt, Craig, Franklin and Roanoke, as well as the Cities of Covington, Roanoke, and Salem; and WIA funding is for two primary client populations:

dislocated workers who have been laid off from employment through no fault of their own, and

economically disadvantaged individuals as determined by household income guidelines established by the U. S. Department of Labor.

It was further advised that the City of Roanoke is the grant recipient and fiscal agent for FDETC funding, and Council must appropriate funding for all grants and other monies received by the Consortium.

It was explained that an agreement between the Fifth District Employment and Training Consortium (FDETC) and Family Service of Roanoke Valley dated January 2001, to provide services for Drug Court referrals is being amended as follows: The agreement is extended for an additional period of six months beginning January 1, 2002, and continuing through June 30, 2002. During this period, the Agency (Family Services of Roanoke Valley) agrees to continue to pay the Service Provider (FDETC) a fixed sum of \$937.50 per month. This rate is based on an expected average of 45 offenders served per year. All other provisions of the Agreement, dated January 1, 2001, and amended July 1, 2001, shall remain in effect. The additional funding will be \$5,625.00.

The City Manager recommended that she, or Council's appointee to the Policy Board of the Fifth District Employment and Training Consortium, be authorized to execute the agreement and any necessary amendments thereto with Family Service of Roanoke Valley; and that Council appropriate FDETC funding totaling \$5,625.00 and increase the revenue estimate by \$5,625.00 in accounts to be established in the Consortium Fund by the Director of Finance.

Mr. Bestpitch offered the following emergency budget ordinance:

(#35788-040102) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Consortium Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 491.)

Mr. Bestpitch moved the adoption of Ordinance No. 35788-040102. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members White, Hudson, Wyatt, Bestpitch, Carder and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

Mr. Bestpitch offered the following resolution:

(#35789-040102) A RESOLUTION authorizing the City Manager, or the City Council's appointee to the Policy Board of the Fifth District Employment and Training Consortium, to execute an amendment extending an existing agreement by an additional six months, with Family Service of Roanoke Valley.

(For full text of Resolution, see Resolution Book No. 65, page 492.)

Mr. Bestpitch moved the adoption of Resolution No. 35789-040102. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Hudson, Wyatt, Bestpitch, Carder and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

POLICE DEPARTMENT-TRAFFIC-PROCUREMENT CODE : The City Manager submitted a communication advising that the City of Roanoke wishes to enter into a contractual agreement with a provider of an Automated Parking Ticket Issuance and Management System, which will contain the following primary features:

- A client based Parking Management System capable of recording all identified data elements relative to the City's current Parking Management Application.**
- Hardware identified as required for remote citation data collection, validation, and automated uploading.**
- Develop or assistance in the development of both front and backend interfaces to the City's current Cash Register Payment Processing system.**
- Parking Permit functionality based on standard needs assessment.**
- Open-ended data query process, which allows the user to easily address all reporting needs.**

It was further advised that although the sealed bid method of procurement would normally be used, it is not practicable or fiscally advantageous to the public in procuring the above described services; the experience, qualifications, and references of firms that can provide the above listed services are of equal, if not

greater, importance than the cost; issues of experience in development of a complete Parking Management solution, quality of reports, reputation of the software developer, and pricing advantages are of vast importance in the areas of services for the Police Department, Billings and Collections, and Department of Technology; additional issues, other than price, for the software design, platform, functionality, reliability, and adaptability to interfaces must be taken into account; and procurement of this system and software services must include a means to evaluate the quality of services to be provided in areas such as customer responsiveness, manpower allocation and financial management; therefore, the process of competitive negotiation using the request for proposal has been identified as the best method for procurement of the services.

It was explained that the Code of the City of Roanoke (1979), as amended, provides, as an alternate method of procurement to using the bid process, a process identified as “competitive negotiation;” and approval by Council is necessary before the alternate method may be used, which method will allow for negotiations with two or more providers to determine the best qualified at the most competitive price or rate.

The City Manager recommended that Council authorize the use of competitive negotiation as the method to secure vendors to provide appropriate services.

Mr. White offered the following resolution:

(#35790-040102) A RESOLUTION designating the procurement method known as competitive negotiation, rather than the procurement method known as competitive sealed bidding, to be used for the procurement of Parking Ticket Issuance and Management system and software services; and documenting the basis for this determination.

(For full text of Resolution, see Resolution Book No. 65, page 493.)

Mr. White moved the adoption of Resolution No. 35790-040102. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members White, Hudson, Wyatt, Bestpitch, Carder and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

BUDGET-REFUSE COLLECTION-EQUIPMENT: The City Manager submitted a communication advising that it has been nine months since the reengineering of solid waste collection programs was completed; in the months that followed last summer's difficult transition period, City staff have done a good job of meeting their goals; and arrival of the spring season is expected to bring a growing volume of trash which will create greater demands on a collection system that continues to experience challenges due to the condition of the aging solid waste fleet of trucks.

It was further advised that Council's approval of last year's Capital Maintenance and Equipment Replacement Program (CMERP) included nine solid waste trucks; to date, Council has approved the lease-purchase of seven of these units, with delivery expected to occur between now and the end of July; bids were recently received for the remaining two trucks; breakdowns of existing trucks and the unreliable nature of the aging fleet has prompted staff to rent several trucks at a cost projected to reach \$119,000.00 by the end of the fiscal year, the cost of which had not been budgeted; rented trucks will be returned as new trucks are placed into service, which has caused expenditures in excess of the Solid Waste Division's budget; and there are several other trucks in the solid waste fleet for which replacement will be sought in the next CMERP.

It was noted that trash volumes are also on the increase; after the October, 2000 conversion from the former bulk and brush collection system to the new weekly collection system, quantities immediately began to increase, which volumes did not level off as anticipated; trash collected by solid waste crews is averaging nine per cent more than in last fiscal year; which is likewise causing tipping fee expenditures to exceed that which was budgeted for the current fiscal year; and this increase does not include recyclables that are collected in amounts far greater than the previous year; consequently, while the recyclables are generating savings in the form of cost avoidance, the total waste stream is creating costs estimated to reach \$239,965.00 in excess of that which was originally budgeted.

The City Manager advised that there were a number of locations identified where trash collection would change from the alley to curbside; as changes were implemented, many citizens complained that the change to curbside collection created a hardship for a variety of reasons; staff re-evaluated those situations and then reinstated portions of more than 50 alleys for alley collection, which resulted in the need for additional alley crews to be reinstated; the popularity of the recycling program also caused the need for one additional crew on Thursdays, and the number of Physically Challenged customers grew to a volume that also required an additional crew; additional crews were supplemented by temporary labor services, charges for which are expected to total \$334,147.00, funding for which was likewise not budgeted; and an additional \$4,439.00 was expended for advertising and publicity of changes to solid waste programs.

It was explained that historically, the Solid Waste Management budget has required supplemental funding near the end of the fiscal year due to the uncertainty of trash volumes and other related expenditures; in recent years, it has not been uncommon for the figure to be in the range of \$330,000.00; following last summer's transition period, Council was informed that solid waste costs were expected to remain within budget by virtue of cost avoidance in the recycling and leaf collection programs, as well as the use of lapse money for overtime expenditures used during the transition period; and at this time, given vehicle rental charges, increased tipping fees, and use of temporary labor, expenditures will exceed available funds within the budget by a projected total of \$697,471.00.

The City Manager noted that \$497,471.00 has been identified for appropriation into Solid Waste Management, Account No. 001-530-4210; an additional transfer closer to the end of the fiscal year will need to be brought to Council if financial projections for expenditures in excess of the current budget remain accurate; whereupon, the City Manager recommended that Council authorize appropriation of \$400,000.00 from Juvenile Detention Services, Account No. 001-121-2130-2008 and \$97,471.00 from Unappropriated CMERP, Account No. 001-3323, to the following line items in Solid Waste Management.

001-530-4210-1060	Contract Labor	\$181,793.00
001-530-4210-2010	Fees for Professional Services	\$311,239.00
001-530-4210-2015	Advertising	\$ 4,439.00
	Total	\$497,471.00

Mr. Carder offered the following emergency budget ordinance:

(#35791) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General Fund Appropriations, and providing for an emergency.

Mr. Carder moved the adoption of Ordinance No. 35791-040102. The motion was seconded by Mr. Bestpitch.

Mr. Hudson expressed concern with regard to the appropriation of additional funds, and advised that since revisions to the City's solid waste disposal program were initiated in July 2001, the City has spent thousands of dollars to make the program work. He stated that at the last Council meeting, a lease purchase arrangement was approved with Koch Financial Services to lease additional equipment for refuse collection; and today Council is being requested to approve another \$500,000.00 for solid waste disposal. He called attention to discussions regarding employee lay offs, City department managers have been instructed to reduce their budgets by five per cent, and yet the City can afford to spend thousands of dollars on a new solid waste program. He inquired as to the amount of funds

already expended by the City since July 1, 2001, on the new solid waste disposal program, and advised that the City of Roanoke is not living within its means, other large City projects should be addressed, and there is a perception that large sums of money are being allocated to the solid waste disposal program just to prove that it can be successful. He stated that he could not support the request for additional funds because the City has a responsibility to live within its means, especially in view of current difficult economic times.

Ms. Wyatt concurred in the remarks of Council Member Hudson, and added that it is difficult to be supportive of the revised solid waste disposal program and the addition of staff in the solid waste division, when other City departments have been instructed to cut back on positions. Additionally, she stated that the solid waste division is currently \$697,471.00 over budget in one year which has not been accounted for. She expressed concern with regard to the possibility of removing DARE officers from the schools, yet the City administration can recommend additional staff to collect refuse. For the above reason, she stated that she cannot support the City Manager's recommendation for additional funds in the solid waste management division.

In explanation, the City Manager advised that over the last four to five years, the City has averaged an additional appropriation to the solid waste division at this time of the year in the amount of approximately \$330,000.00 per year which has been caused by the inability to evaluate volumes of refuse. She stated that there are unprecedented volumes of trash and recyclables a result of the new program; and solid waste activities, including recycling, collection of white goods, bulk trash, leaf and limb removal collection and the traditional solid waste volumes have increased. She added that based upon current volumes and current expenditures, before year end it is estimated that the shortfall could be as high as \$697,000.00; however, a lesser appropriation is requested at this time in anticipation that volumes will drop off. She also explained that service was reinstated in 50 alleys as the new program unfolded and those adjustments influenced the number of crews and the frequency of collection.

There was discussion as to what would happen if additional funds are not appropriated by Council; whereupon, the City Manager advised that expenditures will occur unless the City stops collecting refuse or lays off employees. She stated that in overall ranking, after public safety and education, the next most important function performed by the City is solid waste collection and removal; and some citizens do not like the new system of trash collection, but the majority of citizens believe that Roanoke now has a cleaner community. She reiterated that it is not unusual at this time of the year to make adjustments within individual departmental budgets based upon estimates versus real experience; and expenses could be curtailed for the balance of the fiscal year, although that is not a desired alternative.

Vice-Mayor Carder advised that the additional appropriation appears to be justified based upon information provided by the City Manager in regard to bulk trash collection, the new recycling program and adjustments to alley collection. He spoke in support of discussing ways to address the need for additional funds in solid waste disposal during fiscal year 2002-03 budget study.

The Mayor suggested that procedures be reviewed to insure that department managers are knowledgeable with regard to projecting actual/estimated costs within their departments and the value of new equipment as opposed to repairing and/or maintaining older equipment. He stated that controls are needed for the future, and he will support the City Manager's request so as not to disrupt City operations.

Mr. White advised that the solid waste management program has been successful in cleaning up the City of Roanoke; however, the cost factor needs to be studied to insure that the true cost of operating the department is identified. He inquired as to the future impact of the nine new refuse collection vehicles.

The City Manager advised that the City is paying a significant amount of funds for the rental of trucks and manpower inasmuch as vehicles are leased from a private entity. She explained that used equipment was purchased when the City initiated the totter system; numerous maintenance problems have occurred, some of which may be due to the equipment, or the manner in which equipment is repaired. She stated that it is anticipated that there will be a significant reduction in over time and maintenance of vehicles, along with other cost savings as a result of no longer leasing trucks and manpower.

In view of current economic times, Ms. Wyatt questioned whether the City of Roanoke can afford to provide the refuse collection service at the same level.

Mr. Carder withdrew the motion to adopt the ordinance as an emergency measure and Mr. Bestpitch withdrew his second to the motion.

Mr. Carder moved that the following ordinance be placed upon its first reading:

(#35791) AN ORDINANCE to amend and review certain sections of the 2001-2002 General Fund Appropriations.

The motion was seconded by Mr. Bestpitch.

During further discussion of the matter, the City Manager advised that for some time the City has been supplementing the solid waste budget at this time of the year in excess of \$300,000.00; therefore, the proposed 2002-03 fiscal year budget, will include certain adjustments. Secondly, she advised that the fiscal year

2002-03 recommended budget for the City of Roanoke will be presented to Council on Monday, April 15, and as a part of budget study discussions, it would be appropriate for Council to review proposed modifications to the program, effective July 1, 2002. She explained that administrative expenses have been held back as a measure to insure that the City leaves the current fiscal year in sound financial condition as it prepares for fiscal year 2002-03; therefore, the City is in a position this year to identify funds to complete the year within its current level of service. She stated that the City has created an expectation in its citizens that it will provide a service by collecting certain articles on certain days of the week and there may be a misunderstanding at this point if a change is enforced without providing citizens with an opportunity for input. She added that a significant amount of the money has already been spent which indicates that the budget adjustment is necessary; and if Council would like a report on how to curtail expenses between April 15 and June 30, she will be prepared to make a recommendation to Council at its meeting on Monday, April 15, 2002.

In addition to the residential refuse collection service, it was noted that the City provides commercial service for solid waste pickup; whereupon, the City Manager advised that collection takes place two times per week in commercial areas, and collection occurs seven days a week in the Central Business District in downtown Roanoke at no additional charge, with the exception of those businesses that currently exceed the comparable to ten totes per week. She further advised that a recommendation for proposed adjustments will be included in the fiscal year 2002-03 budget inasmuch as this is an area where there is a significant discrepancy.

Ordinance No. 35791, on its first reading, was adopted by the following vote:

AYES: Council Members White, Bestpitch, Carder and Mayor Smith-----4.

NAYS: Council Members Hudson and Wyatt-----2.

(Council Member Harris was absent.)

CITY CODE-SIDEWALK/CURB AND GUTTER-BUDGET-FEE COMPENDIUM-STREETS AND ALLEYS-OUTDOOR DINING: The City Manager submitted a communication advising that a committee, composed of City staff, business leaders and Downtown Roanoke Inc. staff, reviewed and submitted recommendations to amend Section 30-9.1 of the City Code to allow restaurants to use the sidewalks, designated streets, and other public property in Roanoke's commercially zoned areas; current Section 30-9.1 of the City Code permits such activities in only the C-3, Central Business District; and following amendment and implementation of a new Permit Application, restaurants will be allowed to use portions of sidewalks throughout the City of Roanoke, specially designated streets and other public property for outdoor dining purposes; the committee evaluated and

addressed many issues and regulations surrounding outdoor dining, including ADA compliance, zoning, Alcoholic Beverage Control laws, health department issues, pedestrian safety, policing, trash collection, and traffic; such issues will be addressed in regulations promulgated by the City Manager, and the amended ordinance will include establishing new fees to be included in the Fee Compendium, which fees may need to be modified in the future to address increased or decreased expenditures in operation of the areas.

The City Manager further advised that the Board of Directors of Downtown Roanoke, Inc., (DRI) voted to approve Outdoor Dining ordinance changes and regulations on March 12, 2002.

The City Manager recommended that Council adopt an ordinance amending Section 30-9.1, Code of the City of Roanoke (1979), as amended, and amend the City's Fee Compendium accordingly.

Mr. Carder offered the following ordinance:

(#35792-040102) AN ORDINANCE amending, reordaining, and renaming §30-9.1, Sidewalk obstruction, Article 1, In general, Chapter 30, Streets and Sidewalks, of the Code of the City of Roanoke (1979), as amended, to provide for an outdoor dining permit program to be implemented within the City of Roanoke, and directing amendment of the Fee Compendium; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 495.)

Mr. Carder moved the adoption of Ordinance No. 35792-040102. The motion was seconded by Mr. Bestpitch.

The Mayor urged that the Farmer's Market be protected. He stated that if there is competition for selling time, a mediator should be engaged to insure that both sides are represented (farmers and restaurateurs), because both are important components to the City Market area. He asked that the City of Roanoke not lose the flavor of the Farmer's Market in its efforts to provide outdoor dining.

Ordinance No. 35792-040102 was adopted by the following vote:

AYES: Council Members White, Hudson, Wyatt, Bestpitch, Carder and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent)

TRAFFIC-CITY CODE-DOWNTOWN ROANOKE, INCORPORATED-PARKING FACILITIES-RESIDENTIAL PARKING: The City Manager submitted a communication advising that in 1998, representatives of Downtown Roanoke, Inc., (DRI) and City of Roanoke staff met with downtown housing developers regarding the need for downtown residential parking; developers identified such parking as being critical to the success of downtown living, which led to a strategy by which downtown residents would be able to park free of charge in City-owned parking garages; Council approved the strategy on July 6, 1998, for a period of three years; as of July 2001, 18 residents were using the parking provision; and since that time, City staff and DRI have been evaluating parking strategy in conjunction with other measures to further improve downtown residential parking.

It was further advised that at Council's October 18, 2001 meeting, an ordinance was adopted that provided certain Roanoke neighborhoods with a process by which it is now possible to create parking permit areas to allow greater access to residents to on-street parking near their homes; to date, no applications have been made under the process; and on October 18, City staff indicated that those regulations were not designed to address residential parking in the downtown area.

It was explained that in seeking input from downtown residents, City staff learned that residents recognize that they do not have, nor are they likely to ever have, the benefit of a guaranteed parking space at their front doorstep; however, they do believe that there is a need to provide some parking benefits that would serve as an incentive for moving to and remaining in downtown; likewise, developers of downtown residences continue to seek some assurances that more opportunities for residents to park downtown are available; this is important to developers as an incentive to securing financing for residential projects; and residents identified the following issues that are important to their decision to move into and remain in downtown Roanoke:

- Increase the availability of parking or loading zones, especially between the hours of 6:00 a.m. and 6:00 p.m. This is viewed as particularly desirable for unloading items such as groceries in close proximity to their residences.
- Allow unrestricted parking in timed parking spaces for nights and weekends.
- Continue to allow free parking in City-owned parking garages for downtown residences.
- Provide for an enhanced feeling of security along the walking paths between residences and parking areas, as well as in the parking garages themselves.

In response to these issues, it was noted that City staff advised the residents that permit parking for areas could be established in strategically placed locations for use by residents purchasing a permit; while existing timed parking restrictions would remain in effect at those locations for use by vehicles without a permit (such as in 15 minute, 30 minute or one hour parking zones), the permitted vehicle would have the convenience of parking for a longer period of time (at any time of day) in any permit-parking zone as designated by the City Manager; and the program includes a \$5.00 fee per residential unit and a limit of one permit per licensed adult resident.

The City Manager advised that City staff also advised residents that the previous free parking program for residents in downtown parking garages could be reestablished, which provides residents with the option of 24-hour, uninterrupted parking, when the convenience of on-street parking is not necessary; and there will also be a need to continue to provide appropriate safety measures in the parking garages, as well as along the walking paths to and from residences; and reaction to the proposals has been generally supportive.

The City Manager recommended that Council adopt a resolution reestablishing a program to provide residents within the Downtown Service District with free parking in certain City-owned or City-controlled parking garages and authorize amendment to Division 2, Residential Parking Permits, Article IV, Stopping, Standing and Parking, Chapter 20, Motor Vehicles and Traffic, Code of the City of Roanoke (1979), as amended, to include the Downtown Service District as an eligible neighborhood in the residential parking permit program; and amend the City's Fee Compendium to provide for permit fees.

Mr. Carder offered the following emergency ordinance:

(#35793-040102) AN ORDINANCE amending Section 20-77 through and including 20-80 of Division 2, Residential Parking Permits, of Article IV, Stopping, Standing and Parking, Chapter 20, Motor Vehicles and Traffic, Code of the City of Roanoke (1979), as amended, amending the City's residential parking permit system; amending the City's Fee Compendium to establish certain fees for such permits; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 500.)

Mr. Carder moved the adoption of Ordinance No. 35793-040102. The motion was seconded by Mr. Bestpitch.

Mr. Hudson referred to a communication from the owner of Fallon Florist located on Church Avenue, S. W., who expressed concern that enactment of the residential parking program will create a hardship on her business; whereupon, the City Manager advised that three businesses in the downtown area have cited

concerns in regard to the proposed ordinance. She explained that the concerns of Fallon Florist relate to tenants parking in the time limited spaces during the hours that the florist is open for business, and a concern that the loading zone area will be used by tenants for short trips to and from their apartments. She advised that the Director of Public Works will meet with the owner of Fallon Florist to address her concerns.

Vice-Mayor Carder called attention to overwhelming business support for the residential parking initiative in downtown Roanoke, and encouraged that City staff work with the owner of Fallon Florist and others to address concerns. He stated that the program is a compromise over what Downtown Roanoke, Inc., initially requested which was unlimited parking as is the case in many cities after business hours.

Ms. Wyatt suggested that residential parking be interspersed with business parking so as not to have a large block of spaces designated solely for residential parking; whereupon, the City Manager advised that the suggestion will be reviewed.

Ordinance No 35793-040102 was adopted by the following vote:

AYES: Council Members White, Hudson, Wyatt, Bestpitch, Carder and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

Mr. Carder offered the following resolution:

(#35794-040102) A RESOLUTION establishing a program providing for free parking for certain downtown residents in certain City-owned or City-controlled parking garages as recommended by the City Manager's letter and attachment, dated April 1, 2002.

(For full text of Resolution, see Resolution Book No. 65, page 505.)

Mr. Carder moved the adoption of Resolution No. 35794-040102. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members White, Hudson Wyatt, Bestpitch, Carder and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

BUDGET-PURCHASE/SALE OF PROPERTY: The City Manager submitted a communication advising that on March 18, 2002, Council approved the purchase of three parcels of real estate described as Official Tax Nos. 1010409-1010411, inclusive, from Virginia Vaughan, represented by First Union Managed Properties; the City of Roanoke was offered first option to purchase the property for the appraised value of \$205,000.00; and funding is available in Transportation Fund retained earnings and needs to be appropriated by Council.

The City Manager recommended that Council appropriate \$205,000.00 from retained earnings in the Transportation Fund to an account to be established by the Director of Finance.

Mr. Carder offered the following emergency budget ordinance:

(#35795-040102) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Transportation Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 506.)

Mr. Carder moved the adoption of Ordinance No. 35795-040102. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members White, Hudson, Wyatt, Bestpitch, Carder and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Harris was absent.)

(Council Member White left the meeting.)

SEWERS AND STORM DRAINS: The City Manager submitted a communication advising that the Virginia Department of Environmental Quality (DEQ) is requesting that the City of Roanoke enter into a Consent Order to resolve certain permit issues and exceedences regarding the operation of the City's Regional Water Pollution Control Plant; the Consent Order contains dates for submission of reports and requirements to complete infrastructure improvements, and provides regulatory relief with regard to certain requirements until the existing Water Pollution Control Plant permit expires in February 2004.

The City Manager further advised that negotiations to develop the Consent Order included representatives of the City's partnering jurisdictions, as well as staff from the City and DEQ; and representatives of partnering jurisdictions are familiar with impacts to their systems that the Consent Order will generate.

The City Manager recommended that Council authorize execution of a Consent Order on behalf of the City with the State Water Control Board and the Department of Environmental Quality; that the City Manager be authorized to take such further action and execute and provide further documents as may be necessary to comply with and implement the Consent Order, including necessary contracts or agreements with third parties, to complete the projects mentioned in the Consent Order; and funds required for the projects will be submitted under separate requests.

Ms. Wyatt offered the following resolution:

(#35796-040102) A RESOLUTION authorizing and directing the City Manager to execute for and on behalf of the City a Consent Order with the Commonwealth of Virginia State Water Control Board and the Department of Environmental Quality (DEQ) resolving certain issues regarding the City's Regional Water Pollution Control Plant, upon certain terms and conditions; and authorizing the City Manager to take such further action and to execute and provide such further documents as may be necessary to comply with or implement the provisions of such Consent Order.

(For full text of Resolution, see Resolution Book No. 65, page 507.)

Ms. Wyatt moved the adoption of Resolution No. 35796-040102. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, Wyatt, Bestpitch, Carder and Mayor Smith-----5.

NAYS: None-----0.

(Council Members White and Harris were absent.)

DIRECTOR OF FINANCE:

AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of February 2002.

There being no questions and without objection by Council, the Mayor advised that the financial report would be received and filed.

REPORTS OF COMMITTEES:

AIRPORT-BUDGET: Jacqueline L. Shuck, Executive Director, Roanoke Regional Airport, presented the proposed 2002-03 fiscal year budget of the Roanoke Regional Airport, which was adopted by the Airport Commission at its meeting on March 13, 2002. She advised that the proposed budget is in line with revenues,

budgeted expenditures are \$5.9 million, although they were expected to be \$6.1 million, and total revenues are currently projected at \$6 million, rather than \$6.5 million as previously projected. She explained that nationwide, the number of passengers using air service has decreased dramatically, and the month of February showed a 14 per cent decline in passengers, which appears to the national average. She advised that those who claim to be experts in the airline industry project that it will probably be 2004 before the numbers approach where they were in August 2001 prior to the World Trade Center disaster. She stated that the proposed budget is conservative, with no raises proposed for airport employees; however, it is hoped as revenues come in during the next three months, that the Airport budget will accommodate a minimal employee raise. She advised that additional security-related employees are included in the budget, some of which were added immediately after the September 11 World Trade Center disaster, other employees are contractors who were working at the airport, and since a number of security measures appear to be permanent, those employees will be retained as additional staff. She stated that very little is included for equipment purchases or capital funding in the coming year, although a robust capital program is included in terms of the second runway, relocation of a taxiway, and redevelopment in the general aviation area, most of which will be funded by Federal grants to be matched by State grants.

Mr. Bestpitch offered the following resolution:

(#35797-040102) A RESOLUTION approving the Roanoke Regional Airport Commission's 2002-2003 proposed operating and capital budget, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 65, page 508.)

Mr. Bestpitch moved the adoption of Resolution No. 35797-040102. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members White, Hudson, Wyatt, Bestpitch, Carder and Mayor Smith-----6.

NAYS: None-----0.

(The abovereferenced measure was voted on out of sequence and before Council Member White left the meeting.) (Council Member Harris was absent.)

UNFINISHED BUSINESS: None.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

CITY COUNCIL-YOUTH: Mr. Bestpitch offered the following resolution changing the time and place of commencement of the regular meeting of City Council on Monday, April 15, 2002, from 2:00 p.m., to 12:00 noon in the Exhibit Hall of the Roanoke Civic Center, for the purpose of recognizing participants in Student Government Day, with the 2:00 p.m. session of Council to convene in the City Council Chamber.

Mr. Bestpitch offered the following resolution:

(#35798-040102) A RESOLUTION changing the time and place of commencement of the regular meeting of City Council on Monday, April 15, 2002.

(For full text of Resolution, see Resolution Book No. 65, page 509.)

Mr. Bestpitch moved the adoption of Resolution No. 35798-040102. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson Wyatt, Bestpitch, Carder and Mayor Smith-----5.

NAYS: None-----0.

(Council Members White and Harris were absent.)

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

BUDGET-REFUSE COLLECTION: At the request of Council Member White, who had to leave the meeting prior to adjournment, Mr. Hudson requested that the matter of service levels and costs associated with the Solid Waste Management Program be referred to fiscal year 2002-03 budget study for further discussion.

ACTS OF ACKNOWLEDGEMENT: Vice-Mayor Carder referred to a communication from the City Manager under date of April 1, 2002, in regard to the "Shining Star" recognition program; whereupon, the City Manager requested that Council review details of the program, and without objection by Council, the program will be implemented by City staff.

CITY EMPLOYEES: Council Member Wyatt requested a report on the City's personal leave policy. She called attention to reports that on the first day of personal leave, some City employees advise that they have been placed on family leave; whereupon, she requested a clarification.

CITY MANAGER COMMENTS:

FIRE DEPARTMENT-CITY MANAGER-COMMUNITY PLANNING-ROANOKE NEIGHBORHOOD PARTNERSHIP: The City Manager called attention to the following meetings:

April 8, 2002, 7:00 p.m., Hurt Park Elementary School - Code Enforcement meeting;

April 16, 2002, 6:30 p.m., Harrison Museum of Africa-American Culture - Fire Station Plans; and

April 24, 2002, 6:30 p.m., Council Chamber, Ad-Hoc Committee to study the duties and responsibilities of the Roanoke Neighborhood Partnership Steering Committee.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard; it is also a time for informal dialogue between Council Members and citizens; and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

HOUSING/AUTHORITY: Ms. Helen E. Davis, 35 Patton Avenue, N. E., spoke on behalf of residents of the Lincoln Terrace housing development in connection with a previous request for screen doors on housing units. She advised that staff representing the Roanoke Redevelopment and Housing Authority recently advised Lincoln Terrace residents that there will be no front screen doors, only back screen doors, with the following stipulations: a resident must be 62 years of age or older and must order the back screen door by request only. She stated that millions of dollars of Federal funds are being spent on the Lincoln Terrace project and screen doors are a necessity for health and safety reasons; all residents of Lincoln Terrace should have screen doors for both the front and back of their housing unit; and accountability is necessary. She explained that when the matter was last discussed by Council, it was referred to the City Manager for resolution.

At 5:10 p.m., the Mayor declared the meeting in recess for continuation of three Closed Sessions that were previously approved by Council.

At 6:15 p.m., the meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, except Council Members Harris, White and Hudson, Mayor Smith presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Ms. Wyatt moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder and Mayor Smith-----4.

NAYS: None-----0.

(Council Members White, Hudson and Harris were absent.)

OATHS OF OFFICE-PARKS AND RECREATION-COMMITTEES: The Mayor called attention to a communication from the City Manager advising that the Parks and Recreation Comprehensive Master Plan approved by Council in May, 2000, and the Parks and Recreation Department Strategic Business Plan identifies the need for a Parks and Recreation Advisory Board, which will be charged with the responsibility of making recommendations for future park improvements, to serve as a valuable resource to the Department of Parks and Recreation in setting long-term policy issues, and to assist with marketing and fund raising campaigns. He further advised that it is proposed that the Advisory Board will consist of no more than 13 members, with initial terms to be staggered, as follows: four members to be appointed for one year terms, four members to be appointed for two year terms, and five members to be appointed for three year terms, with reappointment to be for three years following completion of the initial term of office.

The Mayor opened the floor for nominations; whereupon, Mr. Carder placed in nomination the names of V. Shay Berger, Erin Garvin, James Hale, Carl H. Kopitzke, Geraldine LaManna, Mark S. Lawrence, Anita L. Lee, David Nixon, Brian M. Shepard, S. James Sikkema, Sherley E. Stuart, The Reverend David Walton, and Onzlee Ware.

There being no further nominations, Ms. Berger, Ms. Garvin, Mr. Hale, and Mr. Kopitzke were appointed for terms of one year, each, ending March 31, 2003; Ms. LaManna, Mr. Lawrence, Ms. Lee, and Mr. Nixon were appointed for terms of two years, each, ending March 31, 2004; and Mr. Shepard, Mr. Sikkema, Mr. Stuart, Reverend Walton and Mr. Ware were appointed for terms of three years, each, ending March 31, 2005, by the following vote:

FOR MS. BERGER, MS. GARVIN, MR. HALE, MR. KOPITZKE, MS. LAMANNA, MR. LAWRENCE, MS. LEE, MR. NIXON, MR. SHEPARD, MR. SIKKEMA, MR. STUART, REVEREND WALTON AND MR. WARE: Council Members Wyatt, Bestpitch, Carder and Mayor Smith-----4.

(Council Members Harris, Hudson and White were absent.)

Inasmuch as Mr. Sikkema is not a resident of the City of Roanoke, Mr. Carder moved that the City residency requirement be waived in this instance. The motion was seconded by Ms. Wyatt and adopted.

There being no further business, the Mayor declared the meeting adjourned at 6:20 p.m.

A P P R O V E D

ATTEST:

**Mary F. Parker
City Clerk**

**Ralph K. Smith
Mayor**
